

COURTESY COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
ANDIN INTERNATIONAL INC., :
Plaintiff, :Civil Action No. 07 Civ. 3645
(JGK/HP)

v. :

WHITEHALL JEWELLERS, INC. and :
KRISTALL, INC., :

ECF CASE

Defendants. :
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/22/07

STIPULATION AND PROPOSED ORDER ON SCHEDULING ON PLAINTIFF'S
MOTION FOR A PRELIMINARY INJUNCTION

WHEREAS, on May 8, 2007 Plaintiff filed the Complaint in this action; and

WHEREAS, on May 9, 2007 Plaintiff submitted an Order to Show Cause for a Preliminary Injunction and Expedited Discovery, the declaration of Ofer Azrielant, dated May 7, 2007 with exhibits, and a Memorandum of Law, requesting that Defendants show cause why a preliminary injunction should not be issued herein, pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining the Defendants, their servants, employees, related companies, subsidiaries, all persons in active concert and privity with them, pending the final determination of this action, from:

(a) infringing the trademark rights of Plaintiff by using the term "Duets" or any term substantially similar to the trademarks DUO and DUETTO as would be likely to cause confusion, mistake or deceive,

(b) infringing the copyright rights of Plaintiff by manufacturing, illustrating, publishing, displaying, vending, distributing, offering to sell, selling, shipping, delivering, promoting, using or advertising any copies of works which are the subject of Plaintiff's copyright registrations, including but not limited to an injunction against Whitehall dealing in the rings shown as Style A/Item 20 and as Style D/Item 21 in Whitehall's catalogue pages, Complaint Exhibit C, or any other items incorporating the infringing designs,

(c) infringing the trade dress rights of Plaintiff by selling, marketing and promoting the rings are shown as Style B/Item 19, Style C/Item 18, and Style E/Item 17 in Whitehall's catalogue pages, Complaint Exhibit C, or any other items substantially similar thereto or by selling any other jewelry having two gemstones along with a marketing program to emphasize (by trademark or otherwise) that the gemstones signify the loving relationship between two individuals, and

(d) from otherwise unfairly competing with Plaintiff by using Plaintiff's trademarks, copyrights and/or trade dress; and

WHEREAS, a conference was held before the Court on May 10, 2007 and expedited discovery was ordered;

WHEREAS, it was further ordered that the Order to Show Cause submitted by Plaintiff in this matter had been resolved.

IT IS HEREBY STIPULATED by and between the undersigned counsel for the parties that:

1. Hearing. The hearing on Plaintiff's Motion for Preliminary Injunction will commence at 9:30 a.m. on May 30, 2007.

2. Briefing Schedule. Defendants' response to Plaintiff's Motion for Preliminary Injunction and Plaintiff's reply in support of its Motion for Preliminary Injunction shall be served so as to be received by all New York counsel and filed with the Court by plaintiff's counsel on May 28, 2007 at 4 p.m. Defendants' Opposition papers shall be served by email upon plaintiff by no later than 12:00 p.m. on May 25, 2007. Plaintiff's Reply papers shall be served by email upon defendants by no later than 4:00 p.m. on May 28, 2007.

3. Discovery. The parties may immediately proceed with discovery in this action. All documents upon which each party intends to rely in support of its claims or defenses and such other documents as may be requested (no later than 12 p.m. on May 16, 2007) shall be produced so as to be received by New York counsel on or before May 18, 2007 at 5 p.m. Defendant Kristall represents that it will use its best efforts to provide all relevant documents by that date, however, Kristall further represents that its President, Chad Haggar is out of the country through May 18, 2007. Therefore, it is agreed that defendant Kristall shall have until May 21, 2007 at 12:00 p.m. (P.D.T.) to supplement its production in the event Mr. Haggar locates additional responsive and/or relevant documents upon his return to his office.

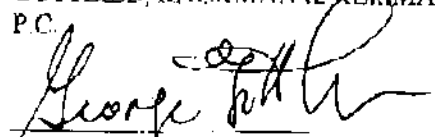
The oral depositions of the parties and/or their representatives have been scheduled as follows:

May 21, 2007, 9:30 a.m. -- Deposition of Defendant Whitchall Jewellers, Inc. in Chicago;

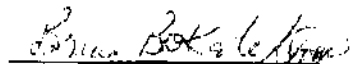
May 22, 2007, 9:30 a.m. -- Deposition of Defendant Kristall, Inc. in California;

May 23, 2007, 9:30 a.m. -- Deposition of Plaintiff Andin International, Inc. in New York.

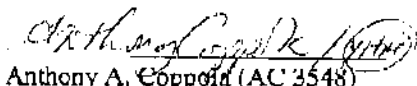
GOTTLIEB, RACKMAN & REISMAN,
P.C.


George Gottlieb (GG 5761)
Barry A. Cooper (BC 9298)
Yuval H. Marcus (YM 5348)
270 Madison Avenue
New York, New York 10016
(212) 684-3900
Attorneys for Plaintiff Audin Jewellers, Inc.

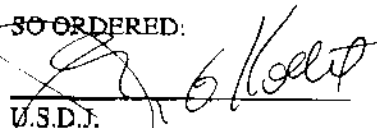
GIENEY, ANTHONY & FLAHERTY,
LLP


Jeffrey E. Dupler (JD 5430)
Brian W. Brokate (BB 5830)
665 Fifth Avenue
New York, New York 10022
(212) 688-5151
Attorneys for Defendant Whitehall
International, Inc.

ABELMAN, FRAYNE & SCHWAB


Anthony A. Coppola (AC 3548)
Richard L. Crisona (RC 2203)
666 Third Avenue, 10th Floor
New York, New York 10017
(212) 949-9022
Attorneys for Defendant Kristall, Inc.

SO ORDERED:


U.S.D.J.
New York, New York
May 15, 2007